

CITY OF CARLSBAD - AGENDA BILL

AB#	18,055	TITLE:	DEPT. HD.	<i>DM SA</i>
MTG.	4/5/05	EXTENSION OF INTERIM PLAN	CITY ATTY.	<i>DB</i>
DEPT.	PLN	AGUA HEDIONDA LAGOON	CITY MGR	<i>DP</i>

RECOMMENDED ACTION:

That the City Council **INTRODUCE** Ordinance No. NS-749, **EXTENDING** the term of the Interim Plan to facilitate Caulerpa eradication and monitoring until June 30, 2006.

ITEM EXPLANATION:

On March 9, 2004, the Southern California Caulerpa Action Team (SCCAT) made recommendations to the City Council to extend the Interim Plan for Agua Hedionda Lagoon for another year. While eradication efforts continue, the Lagoon was re-opened to active recreational uses since May 2003.

SCCAT has recommended to the City that the Interim Plan be extended again for another year, from June 30, 2005 until June 30, 2006. All regulations within the Interim Plan would remain in force until June 30, 2006 at which time they will be automatically repealed unless extended by Council action.

Surveys have not detected Caulerpa taxifolia in Agua Hedionda Lagoon since September 2002. The Interim Plan's restrictions continue the prohibition on anchoring, the limitation on wake height, and the restriction of fishing to the eastern, passive use area of the Lagoon.

Three code sections are proposed for amendment (11.24.055, 11.24.056 and 11.24.057), which will replace references to 2005 with 2006. The fishing, anchoring and large wake limitations currently in effect, as well as the revised Interim Plan, will be extended for another year until June 30, 2006.

By approving the proposed one-year extension of the Interim Plan, monitoring efforts can continue while allowing for recreational use. On-going monitoring by the SCCAT and City partnership will ensure that neither the eradication effort, nor public safety of Lagoon use is compromised. The agency that can declare eradication is the California Department of Fish and Game; such declaration will only come after assessment of the Summer 2005 survey results and future SCCAT review.

ENVIRONMENTAL:

Extending the Interim Plan and amending Chapter 11.24 is categorically exempt from the California Environmental Quality Act (CEQA) per Section 15308 the CEQA Guidelines, which exempts the actions of governmental agencies to establish regulations or procedures to assure protection of the environment.

FISCAL IMPACT:

Extending the Interim Plan for another year will not create any additional fiscal impact to the City.

EXHIBITS:

1. City Council Ordinance No. NS-749
2. Strikeout Version of Revisions to Chapter 11.24 of the Carlsbad Municipal Code.

Department Contact: Eric Munoz, (760) 602-4608, emuno@ci.carlsbad.ca.us

1 SECTION 3. That Section 11.24.057(b) of the Carlsbad Municipal Code be
2 amended to read as follows:

3 "11.24.057 No large wakes.

4 (b) This section shall be operative until June 30, 2006, at which time it shall
5 automatically be repealed unless extended by further action of the city council."

6 EFFECTIVE DATE: This ordinance shall be effective thirty days after its
7 adoption, and the City Clerk shall certify to the adoption of this ordinance and cause it to be
8 published at least once in a publication of general circulation in the City of Carlsbad within
9 fifteen days after its adoption.

10 INTRODUCED AND FIRST READ at a regular meeting of the Carlsbad City
11 Council on the 5th day of APRIL 2005, and thereafter.

12 PASSED AND ADOPTED at a regular meeting of the City Council of the City of
13 Carlsbad on the _____ day of _____ 2005, by the following vote, to wit:

14 AYES:

15 NOES:

16 ABSENT:

17 ABSTAIN:

18 APPROVED AS TO FORM AND LEGALITY

19
20 _____
21 RONALD R. BALL, City Attorney

22 _____
23 CLAUDE A. LEWIS, Mayor

24 ATTEST:

25
26 _____
27 LORRAINE M. WOOD, City Clerk

28 (SEAL)

STRIKEOUT/BOLD VERSION OF ORDINANCE CHANGES**11.24.055 Fishing.**

(a) Fishing from the shoreline or from a passive vessel shall be limited to the passive use area; fishing from a powerboat shall be limited to the powerboat area. It is unlawful to cast fishing lines into any transit corridor or in the traffic pattern of any vessel.

(b) This section shall become operative on July 1, ~~2005~~ **2006**, unless amended or repealed by further action of the city council. (Ord. NS-700 § 1, 2004; Ord. NS-661 § 1, 2003; Ord. NS-631 § 4, 2002; Ord. NS-630 § 4, 2002; Ord. NS-509 § 9, 1999; Ord. NS-292 § 1 (part), 1994)

11.24.056 No fishing or anchoring in posted areas.

(a) Notwithstanding any other provision of this chapter and except as otherwise provided in this section, it is unlawful to fish or anchor a boat in any area of the inner lagoon.

(b) The city manager may allow fishing or anchoring in the passive use area or in the powerboat area if the city manager finds, based on available scientific data, that allowing fishing or anchoring in these areas is consistent with the interim management plan and will not cause the spread of *Caulerpa taxifolia* inside or outside of the lagoon.

(c) Nothing in this section precludes a person from anchoring in an emergency situation in order to prevent personal injury or property damage.

(d) This section shall be operative until June 30, ~~2005~~ **2006**, at which time it shall automatically be repealed unless extended by further action of the city council. (Ord. NS-700 § 2, 2004; Ord. NS-661 § 2 (part), 2003; Ord. NS-631 § 5, 2002; Ord. NS-630 § 5, 2002; Ord. NS-596 § 1, 2001; Ord. NS-595 § 1, 2001)

11.24.057 No large wakes.

(a) Except when necessary for starting and stopping only, it is unlawful to operate a personal watercraft or powerboat in any area of the inner lagoon in a manner that generates wakes in excess of twelve inches above the undisturbed water line.

(b) This section shall be operative until June 30, ~~2005~~ **2006**, at which time it shall automatically be repealed unless extended by further action of the city council. (Ord. NS-700 § 3, 2004; Ord. NS-661 § 2 (part), 2003; Ord. NS-631 § 6, 2002; Ord. NS-630 § 6, 2002)